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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/816,916 | 04/05/2004 | Takahiro Hasegawa | 1080.1139 | 2623 |
| 21171 | 7590 | 11/02/2006 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | HO, BINH VAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2163 | |

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,916

Applicant(s)

HASEGAWA

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/05/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by St. Pierre (US 6,141,773).

(Claims 1, 3-7)

St. Pierre discloses in figures 2, 11-12, 18-19, a data file system comprising a data access server that has a physical storage for storing data and accesses the physical storage in response to an access request; and a data file server that performs data filing by transmitting an access request to the data access server and using the data access server for data saving, wherein the data access server comprises a request reception section that receives the access request from the data file server; an association table management section that has an association table describing an association between a plurality of physical blocks, which are storage blocks resulting from dividing the physical storage, and logical blocks recognized as storage blocks by the data file server and, when the access request is made by the data file server, if no physical block is assigned to the logical block to be accessed, assigns one of unused physical blocks to the logical block to be accessed; a block conversion section that converts the logical block to be accessed into a physical block by referring to the

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association table when the access request is made by the data file server; an access section that accesses the physical block provided by the block conversion section of the physical storage; and a result transmission section that transmits the result of access by the access section to the data file server, wherein the association table management section searches through logical blocks assigned respective physical blocks for a logical block for which no access request is made within a predetermined period, releases the physical block assigned to the logical block from the association with the logical block and includes the physical block in unused physical block (col. 14, lines 47-55; col. 15, lines 44-67; col. 16, lines 1-22, 32-67; col. 19, lines 45-62; col. 20, lines 1-33; col. 21, lines 5-12; col. 22, lines 45-48; col. 23, lines 10-14, 28-39; col. 25, lines 1-8).

(Claim 2)

St. Pierre discloses in figures 18-19, the data file server comprises an all-used-block-access request section that makes access requests to all the logical blocks used by the data file server within the predetermined period to the data access server (col. 21, lines 5 +; col. 22, lines 41-44).

3. Claims 1, 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by St. Pierre (US 6,141,773).

(Claims 1, 3-7)

St. Pierre discloses in figures 2, 5, 7-13, a data file system comprising a data access server that has a physical storage for storing data and accesses the physical storage in response to an access request; and a data file server that performs data filing by transmitting an access request to the data access server and using the data access

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server for data saving, wherein the data access server comprises a request reception section that receives the access request from the data file server; an association table management section that has an association table describing an association between a plurality of physical blocks, which are storage blocks resulting from dividing the physical storage, and logical blocks recognized as storage blocks by the data file server and, when the access request is made by the data file server, if no physical block is assigned to the logical block to be accessed, assigns one of unused physical blocks to the logical block to be accessed; a block conversion section that converts the logical block to be accessed into a physical block by referring to the association table when the access request is made by the data file server; an access section that accesses the physical block provided by the block conversion section of the physical storage; and a result transmission section that transmits the result of access by the access section to the data file server, wherein the association table management section searches through logical blocks assigned respective physical blocks for a logical block for which no access request is made within a predetermined period, releases the physical block assigned to the logical block from the association with the logical block and includes the physical block in unused physical block (col. 7, lines 60-64; col. 8, lines 6-58).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Conley (US 2006/0031627).

(Claims 1, 3-7)

Conley discloses in figures 5, 7-9, 11-13, and 15-16, a data file system comprising a data access server that has a physical storage for storing data and accesses the physical storage in response to an access request; and a data file server that performs data filing by transmitting an access request to the data access server and using the data access server for data saving, wherein the data access server comprises a request reception section that receives the access request from the data file server; an association table management section that has an association table describing an association between a plurality of physical blocks, which are storage blocks resulting from dividing the physical storage, and logical blocks recognized as storage blocks by the data file server and, when the access request is made by the data file server, if no physical block is assigned to the logical block to be accessed, assigns one of unused physical blocks to the logical block to be accessed; a block conversion section that converts the logical block to be accessed into a physical block by referring to the association table when the access request is made by the data file server; an access section that accesses the physical block provided by the block conversion section of the physical storage; and a result transmission section that transmits the result of access by the access section to the data file server, wherein the association table management section searches through logical blocks assigned respective physical blocks for a logical block for which no access request is made within a predetermined period, releases the physical block assigned to the logical block from the association with the logical block and includes the physical block in unused physical block

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(Paragraph [0006], [0007], [0043], [0045], [0050], [0051], [0055], [0058], [0062]-[0065], and [0069]).

Inquiry

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Binh V Ho
Examiner
Art Unit 2163